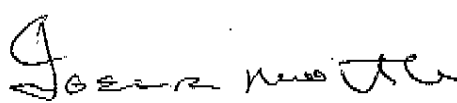


# Exhibit A

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right;"> <b>540-2014-01042</b> </div> </div>	
<b>Arizona Attorney General's Office, Civil Rights Division</b> and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) <b>Jose Montoya</b>		Home Phone (Incl. Area Code) <b>(602) 305-5125</b>	Date of Birth <b>10-07-1959</b>
Street Address City, State and ZIP Code <b>4811 S. 3rd St., Phoenix, AZ 85040</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>THE A GROUP</b>		No. Employees, Members <b>15 - 100</b>	Phone No. (Include Area Code) <b>(602) 391-8749</b>
Street Address City, State and ZIP Code <b>4811 S. 2nd St., Phoenix, AZ 85040</b>			
Name 		No. Employees, Members 	Phone No. (Include Area Code) 
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; justify-content: space-between;"> <div><input type="checkbox"/> RACE</div> <div><input type="checkbox"/> COLOR</div> <div><input type="checkbox"/> SEX</div> <div><input type="checkbox"/> RELIGION</div> <div><input checked="" type="checkbox"/> NATIONAL ORIGIN</div> <div><input type="checkbox"/> RETALIATION</div> <div><input checked="" type="checkbox"/> AGE</div> <div><input checked="" type="checkbox"/> DISABILITY</div> <div><input type="checkbox"/> GENETIC INFORMATION</div> <div><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <div style="text-align: right;"><b>01-17-2014</b></div> <div><input type="checkbox"/> CONTINUING ACTION</div>
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was employed by the above named company from March 17, 2011 until January 17, 2014. My last position was Maintenance Worker under the supervision of Julio Zabaleta. During my tenure, I performed my duties satisfactorily. On or around June 20, 2013, due to my medical condition, I asked Zabaleta for a reasonable accommodation to be able to take time off. Zabaleta told me that this was fine. On January 14, 2014, I gave my return to work doctor's note to Marlene Sharp, HR Manager. Consequently, on January 17, 2014, Zabaleta called me and told me that I was not able to return to work. The above named Respondent failed to engage in the interactive process and instead terminated my employment. In addition, during my tenure, Zabaleta subjected me to a hostile work environment and harassment, to include but not limited to: Zabaleta telling me that Mexicans are lazy, brown nosers, and that because of my age, I should retire. These comments were said several times. Further, Ivan Rivero, Manager, also subjected me harassment by telling me that, in this state he could find Mexicans under a rock.</p> <p>I believe I have been discriminated against because of my medical condition, age, 54, and National origin, Mexican, in violation of the Americans with Disabilities Act of 1990; The Age Discrimination in Employment Act of 1967; and Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Jan 24, 2014 Date		 Charging Party Signature	

Montoya00005

# Exhibit B



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Phoenix District Office**

3300 N. Central Avenue, Suite 690  
Phoenix, AZ 85012-2504  
(602) 640-5000  
TTY (602) 640-5072  
FAX (602) 640-5071

Charge No. 540-2014-01042

Joel Montoya  
4811 S. 3<sup>rd</sup> St.  
Phoenix, AZ 85040

Charging Party

The A Group  
4848 S. 2<sup>nd</sup> St.  
Phoenix, AZ 85040

Respondent

**D E T E R M I N A T I O N**

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101 et seq., Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e, et seq. and the Age Discrimination in Employment Act of 1967, as amended ("ADEA"), 29 U.S.C. § 621, et seq. Timeliness and all other requirements for coverage have been met.

Charging Party alleges that Respondent discriminated against him based on his disability in that Respondent denied him reasonable accommodation and terminated his employment after his doctor released him to return to work. Charging Party alleges that during his employment he was subjected to national origin and age harassment by Respondent supervisory employees.

I have considered all evidence obtained in this investigation and I find reasonable cause to believe that Respondent violated the ADA by denying Charging Party reasonable accommodation and terminating his employment following his release to work.

Like and related and growing out of the Commission's investigation was the discovery that Respondent included documents containing confidential medical information in Charging Party's personnel file.

I have considered all the evidence and find that Respondent violated the ADA by commingling confidential medical documentation in Charging Party's files. I make no finding regarding any other allegations made in the charge.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of the ADA and Commission Regulations apply to information obtained during conciliation.

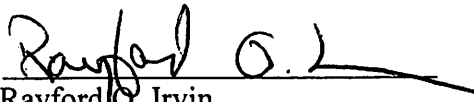
Charge number: 540-2014-01042  
Determination

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission:

**MAR 20 2015**

Date

  
Rayford O. Irvin  
District Director

# Exhibit C

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

# NOTICE OF RIGHT TO SUE (CONCILIATION FAILURE)

To: Jose Montoya  
4811 S. 3rd St.  
Phoenix, AZ 85040

From: Phoenix District Office  
3300 North Central Ave  
Suite 690  
Phoenix, AZ 85012



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

540-2014-01042

Melinda L. Caraballo,  
Supervisory Investigator

(602) 640-5019

## TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*Rayford O. Irvin*

Rayford O. Irvin,  
District Director

JUN 10 2015

Enclosures(s)

(Date Mailed)

CC: Marlene Sharp  
Human Resources  
THE A GROUP  
4848 S. 2nd St.  
Phoenix, AZ 85040

Roger W. Hall  
BUCHALTER NEMER  
16435 N Scottsdale Rd - Suite 440  
Scottsdale, AZ 85254

Montoya00003